

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

SIERRA CLUB,

Plaintiff,

vs.

LISA JACKSON, Administrator of the  
United States Environmental Protection  
Agency,

Defendant.

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Cause No. 3:11-cv-0116-wmc

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**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

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Plaintiff, Sierra Club, and Defendant, Administrator Lisa Jackson, by and through the undersigned counsel, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), HEREBY STIPULATE AND AGREE to the dismissal of this action without prejudice and without costs to either party.

This dismissal is in anticipation of a resolution between the parties and other interested entities expected to be filed separately under a different caption. *See Sierra Club v. Wisconsin Power and Light Co.*, Case 3:10-cv-511-wmc, Dkt. # 61, Settlement Framework (filed under seal) at p. 8 (discussing impacts of that settlement on this case).

Respectfully submitted this 14th day of February, 2013.

BY THE PLAINTIFF:

McGILLIVRAY WESTERBERG & BENDER LLC

/s/ David C. Bender

David C. Bender  
Christa O. Westerberg

Pamela R. McGillivray  
211 S. Paterson Street, Ste 320  
Madison, WI 53703  
Tel. 608.310.3560  
Fax 608.310.3561  
Email: [bender@mwbattoorneys.com](mailto:bender@mwbattoorneys.com)  
[westerberg@mwbattoorneys.com](mailto:westerberg@mwbattoorneys.com)  
[mcgillivray@mwbattoorneys.com](mailto:mcgillivray@mwbattoorneys.com)

*Attorneys for the Plaintiff Sierra Club*

BY THE DEFENDANT:

s/ Matthew R. Oakes  
Matthew R. Oakes  
Trial Attorney - Environmental Defense Section  
Environmental and Natural Resources Division  
United States Department of Justice  
P.O. Box 7611  
Washington, DC 20044  
Phone: (202) 514-2686  
Fax: (202) 514-8865

*Attorneys for the Defendant Lisa Jackson*

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system that will send notification of this filing automatically to all counsel of record, including:

Leslie K. Herje [leslie.herje@usdoj.gov](mailto:leslie.herje@usdoj.gov), [USAWIW.EFILE@usdoj.gov](mailto:USAWIW.EFILE@usdoj.gov)

Matthew Robert Oakes [matthew.oakes@usdoj.gov](mailto:matthew.oakes@usdoj.gov)

/s/ David C. Bender